

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated November 10, 2003. Reconsideration and allowance of the application in view of remarks to follow is respectfully requested.

Claims 1-17 are pending in this application of which Claims 1, 9, 10, and 17 are independent claims.

In the Office Action, Claims 1-17 are rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,822,418 to Yacenda ("Yacenda") in view of U.S. Patent No. 6,400,392 to Yamaguchi ("Yamaguchi"). These rejections are traversed herein. Claims 1 and 9 are amended herein to assist the Examiner in ascertaining what the Applicant's considered was already required by the originally submitted claims. Accordingly, these amendments to the claims are not submitted herein for the purposes of patentability. For example, Claim 1, as originally submitted already required processing images from two or more regions of a local environment to identify known persons. Thereafter, the originally submitted claim required generating an indicium associating the known person with the region where the known person was located from the processed images. Accordingly, the term "in response to the identified known person from the processed image" was required from originally submitted Claim 1. Claim 9 is amended herein similarly and for similar reasons. Claim 11 was amended herein merely to

correct an obvious typographical error noted upon review of the application. Therefore, in terms of Festo, each of these claims are still entitled to the full range of equivalents under the doctrine of equivalents.

In the Office Action it is stated that Yacenda discloses all the features of Claim 1, except that "Yacenda et al. do not teach the control unit that receives images associated with two or more images associated with two or more regions of a local environment." Yamaguchi is then cited for teaching a camera installed at a site to be monitored and the recorded image is analyzed later. Column 10, lines 11-28 of Yamaguchi is cited as support for this feature.

Yacenda merely shows features that are similar to those shown in UK Patent Application No. 2222503A as discussed in the present patent application as prior art (e.g., see the present patent application, page 2, 16 though page 3, line 2). Specifically, Yacenda merely shows the use of transceivers to identify the location of persons in the system. Yamaguchi merely teaches that images can be acquired for security purposes and is predominantly directed at how the images are acquired. Face detection is also extensively discussed in terms of prior art references in the present patent application (e.g., see, page 8, lines 13-17, page 10, lines 3-10, and page 11, line 3 through page 12, line 16). However, neither the cited references nor these additional

references in combination teach the inventive features of any of the pending claims.

Specifically, neither Yacenda nor Yamaguchi alone or in combination teach (emphasis provided) "generating an indicium that associates the known person with the respective region in which the known person is located in response to the identified known person from the processed image" as required by Claim 1.

Further, the argument provided in the Office Action that "[i]t would have been obvious to one of ordinary skill in the art at the time the [present] invention was made to incorporate the features ... taught by Yamaguchi, in Yacenda's system in order to have an alternative to locate a person using camera instead of using transceiver and remote badges" finds no support in either of Yacenda or Yamaguchi.

The mere fact that the prior art device could be modified so as to produce the claimed device, which they would not in any event as discussed above, is not a basis for an obviousness rejection unless the prior art suggested the desirability of the modification. See, In re Gordon, 733 F.2d 900, 902 (Fed. Cir. 1984); and In re Laskowski, 871 F.2d 115, 117 (Fed. Cir. 1989). Neither one of Yacenda nor Yamaguchi provides this suggestion.

The suggestion that a person or ordinary skill would make this modification appears to require impermissible hindsight, since

there is no suggestion of the desirability for this alternate to using the transceiver and remote badges of Yacenda. Accordingly, this suggestion is respectfully refuted.

One may not utilize the teachings of the present application as a road map to pick and choose amongst unrelated prior art references for the purposes of attempting to arrive at the presently disclosed invention. The Federal Circuit has identified three possible sources for motivation to combine references including the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art. (See, In re Rouffet, U. S. Court of Appeals Federal Circuit, U.S.P.Q. 2d, 1453, 1458.) There must be a specific principle that would motivate a skilled artisan, with no knowledge of the present invention, to combine Yacenda and Yamaguchi. The use of hindsight in the selection of references is forbidden in comprising the case of obviousness. Lacking a motivation to combine references, a proper case of obviousness is not shown (see, In re Rouffet, 1458). Neither Yacenda nor Yamaguchi provide this motivation.

In any event, even in combination, Yacenda and Yamaguchi together do not disclose or suggest (emphasis provided) what is required by Claim 1 as indicated above. In addition, even in combination, Yacenda and Yamaguchi together does not disclose or

suggest (emphasis provided) "switching an incoming call to at least one of the respective telephone branches in which at least one detected person is located from the processed images" as required by Claim 9. Further, neither does Yacenda and Yamaguchi disclose or suggest (emphasis provided) "identifying, from a group of known persons each associated with the local environment, any known persons in each of the number of regions from the captured images associated with each of the number of regions ... where the desired recipient is one of the known persons identified in one of the regions in step b, connecting the incoming call to an extension servicing the respective region in which the desired recipient is located" as required by Claim 10. Neither does Yacenda and Yamaguchi disclose or suggest (emphasis provided) "detecting any persons located in each of the number of regions from the captured images associated with each of the number of regions and c) connecting an incoming call to an extension servicing at least one of the regions in which at least one person is located " as required by Claim 17.

Accordingly, Claims 1, 9, 10, and 17 are patentable over any combination of Yacenda and Yamaguchi and an indication to that effect is respectfully requested. Claims 2-8 and 11-16 depend from one of Claims 1 and 10 and are therefore, also patentable for at least that reason as well as for the separately patentable elements

contained therein. Accordingly separate consideration and allowance of each of Claims 2-8 and 11-16 is also respectfully requested. Based on the foregoing, the Applicants respectfully submit that Claims 1-17 are patentable over Yacenda in combination with Yamaguchi and notice to this effect is earnestly solicited.

The Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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February 10, 2004